

ORDINANCE NO. 2001-033

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
PERTAINING TO REGULATIONS ON WHEEL AND AXLE
LOAD AND VEHICLE WEIGHTS ON COUNTY
ROADWAYS; PROVIDING FOR PURPOSE; PROVIDING
FOR ADOPTION; PROVIDING FOR JURISDICTION;
PROVIDING FOR VIOLATION; PROVIDING FOR
MAXIMUM WEIGHTS; PROVIDING FOR WEIGHT AND
LOAD UNLAWFUL; SPECIAL FUEL AND MOTOR FUEL
TAX ENFORCEMENT; INSPECTION; PENALTY; REVIEW;
PROVIDING FOR SPECIAL PERMITS; PROVIDING FOR
DAMAGE TO STREETS, ROADWAYS, HIGHWAYS;
LIABILITY OF DRIVER AND OWNER; PROVIDING FOR
REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE OF LAWS AND ORDINANCES; AND PROVIDING
FOR AN EFFECTIVE DATE.

WHEREAS, in Palm Beach County, between July 1999 and June 2000, the Palm Beach County Sheriffs Office's Traffic Division documented 1,379 total crashes involving heavy commercial vehicles; and

WHEREAS, of those 1,379 total crashes, 417 crashes resulted in serious injuries and 7 crashes resulted in fatalities; and

WHEREAS, Chapter 316, Florida Statutes contains weight and load restrictions and enforcement procedures for commercial vehicles as promulgated by Chapter 49 CFR 390-397; and

WHEREAS, Chapter 316, Florida Statutes authorizes Palm Beach County to determine restrictions as to oversize/overweight vehicles; and

WHEREAS, adoption of this Ordinance would allow members of a specially trained team of Sheriff's deputies to enforce these regulations as they pertain to the weight and safe operating condition of commercial vehicles traveling within Palm Beach County; and

WHEREAS, passage of this Ordinance would benefit Palm Beach County by ensuring that commercial vehicles are not damaging county roadways by operating over the weight limits.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. PURPOSE:

The purpose of this Ordinance is to promote the public health, safety and general welfare

upon the streets, roadways and highways of the county by regulating the wheel and axle loads and gross vehicle weights of certain vehicles; to provide for the assessment of fees; and to provide penalties for the violation of this Ordinance.

Section 2. ADOPTION:

Except as otherwise provided in this Ordinance, the county expressly adopts the weight and load restrictions and enforcement procedures for commercial vehicles as promulgated in Chapter 316, Florida Statutes, Rules and Regulations contained in Chapter 49 CFR 390-397 and North American Drive Out-of-Service Criteria, as amended from time to time.

Section 3. JURISDICTION:

The jurisdiction for determining restrictions as to oversize/overweight vehicles is given to the county by the state through the provisions of F.S. Chapter 316, Florida Statutes, specifically sections 316.006 and 316.555.

Section 4. APPLICABILITY:

The provisions of this Ordinance shall be applicable in the unincorporated area of the County.

Section 5. DEFINITIONS:

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(a) *Axle load* shall be defined as the total load transmitted to the road by all wheels whose centers are included between two (2) parallel transverse vertical planes forty inches (40") apart, extending across the full width of the vehicle.

(b) *Driver* means any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(c) *Gross weight* means the weight of a vehicle without load plus the weight of any load thereon.

(d) *Operator* means any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(e) *Owner* means a person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession

1 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to
2 possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the
3 purposes of this Ordinance.

4 (f) *Person* means any natural person, firm, copartnership, association, or corporation.

5 (g) *Roadway* means that portion of a highway improved, designed, or ordinarily used for
6 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more
7 separate roadways, the term "roadway" as used herein refers to any such roadway separately, but not
8 to all such roadways collectively.

9 (h) *Semitrailer* means any vehicle with or without motive power, other than a pole trailer,
10 designed for carrying persons or property and for being drawn by a motor vehicle and so constructed
11 that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

12 (i) *Stand or Standing* means the halting of a vehicle, whether occupied or not, otherwise
13 than temporarily, for the purpose of, and while actually engaged in, receiving or discharging
14 passengers, as may be permitted by law under this Ordinance.

15 (j) *Street or Highway* means:

16 (1) The entire width between the boundary lines of every way or place of
17 whatever nature when any part thereof is open to the use of the public for purposes of vehicular
18 traffic;

19 (2) The entire width between the boundary lines of any privately owned way or
20 place used for vehicular travel by the owner and those having express or implied permission from
21 the owner, but not by other persons, or any limited access road owned or controlled by a special
22 district, whenever, by written agreement entered into under s. 316.006(2)(b) or (3)(b), a county or
23 municipality exercises traffic control jurisdiction over said way or place;

24 (3) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within
25 the boundary of any airport owned by the county, which area is used for vehicular traffic but which
26 is not open for vehicular operation by the general public; or

27 (4) Any way or place used for vehicular traffic on a controlled access basis within
28 a mobile home park recreation district which has been created under s. 418.30 and the recreational
29 facilities of which district are open to the general public.

(k) *Trailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(l) *Commercial Motor Vehicle* means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (1) Has a gross vehicle weight rating of 10,000 pounds or more;
- (2) Is designed to transport more than 15 passengers, including the driver; or
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C.ss.1801 et seq.).

(m) *Vehicle* means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 6. **VIOLATION:**

It is a violation of this Ordinance for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any county street, county roadway or county highway in Palm Beach County, any vehicle or vehicles of a size or weight exceeding the limitations stated in this Ordinance or otherwise in violation of this Ordinance.

Section 7. MAXIMUM WEIGHTS:

(a) The gross weight imposed on the street, roadway or highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand (20,000) pounds.

(b) Subject to the limit upon the weight imposed upon the streets, roadways and highways through any one axle as set forth herein, the total weight with load imposed upon the street, roadway or highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

Distance in Feet Between First and Last Axles of Vehicles or Combination of Vehicles	Maximum Load in Pounds On All Axles
4.....	40,000
5.....	40,000
6.....	40,000
7.....	40,000

8	40,000
9	44,140
10	44,980
11	45,810
12	46,640
13	47,480
14	48,310
15	49,150
16	49,980
17	50,810
18	51,640
19	52,480
20	53,310
21	54,140
22	54,980
23	55,810
24	56,640
25	57,470
26	58,310
27	59,140
28	59,970
29	60,810
30	61,640
31	62,470
32	63,310
33	64,140
34	64,970
35	65,800
36	66,610

(c) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, including all enforcement tolerances, shall be as determined by the following formula:

$$W = 500((LN \text{ Divided by } (N - 1)) + 12N + 36)$$

Where W = overall gross weight of the vehicle to the nearest five hundred (500) pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed eighty thousand (80,000) pounds including all enforcement tolerances.

(d) The County shall adopt rules consistent with the Department of Transportation to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public. In addition, tables will be posted at the Palm Beach County Sheriff's Office Commercial Traffic Team Division.

(e) Except as hereinafter provided, no vehicle or combination of vehicles exceeding the

gross weights specified in sections (b) and (c) shall be permitted to travel on the public streets, roadways or highways within the County of Palm Beach.

Section 8. WEIGHT AND LOAD UNLAWFUL; SPECIAL FUEL AND MOTOR FUEL TAX ENFORCEMENT; INSPECTION; PENALTY; REVIEW;

(a) Any designated sheriff's officer of the County of Palm Beach or any designated officer of the Department of Transportation having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within five (5) miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to Section 843.02, Florida Statutes, and is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes. Anyone who knowingly and willfully resists, obstructs or opposes an officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to Section 843.01, Florida Statutes, is guilty of a felony of the third degree, punishable as provided in Sections 775.082, 775.083 or 775.084, Florida Statutes.

(b) (1) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond six thousand (6,000) pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. For enforcement purposes, all scaled weights of the gross or axle weight of vehicles and combinations of vehicles shall be deemed to be not closer than ten percent (10%) to the true gross weight. However, if the driver of any vehicle can comply with the requirements of this Ordinance by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this Ordinance.

(2) The officer shall inspect the license plate or registration certificate of the commercial vehicle, as defined in Section 316.003(66), Florida Statutes, to determine if its gross

1 weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the
2 declared weight, the penalty shall be five cents (\$.05) per pound on the difference between such
3 weights. In those cases when the commercial vehicle, as defined in Section 316.003(66), Florida
4 Statutes, is being operated over the streets, roadways or highways of the County with an expired
5 registration or with no registration from this or any other jurisdiction or is not registered under the
6 applicable provisions of Chapter 320, Florida Statutes, the penalty herein shall apply on the basis
7 of five cents (\$.05) per pound on that scaled weight which exceeds thirty five thousand (35,000)
8 pounds. A vehicle found in violation of this Section may be detained until the owner or operator
9 produces evidence that the vehicle has been properly registered. Any costs incurred by the retention
10 of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a
11 penalty pursuant to this section for failure to have a valid vehicle registration certificate pursuant to
12 the provisions of Chapter 320, Florida Statutes, is not subject to the delinquent fee authorized in
13 Section 320.07, Florida Statutes, if such person obtains a valid registration certificate within ten (10)
14 working days after such penalty was assessed.

15 (c) Any person who violates the overloading provisions of this Ordinance shall be
16 presumed to have damaged the streets, roadways or highways of this County by reason of such
17 overloading, which damage is hereby fixed (and shall constitute a fine) as follows:

18 (1) When the excess weight is two hundred (200) pounds or less than the
19 maximum herein provided, the penalty shall be ten dollars (\$10.00);

20 (2) Five cents (\$.05) per pound for each pound of weight in excess of the
21 maximum herein provided when the excess weight exceeds two hundred (200) pounds. However,
22 whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum
23 allowable gross weight, the maximum fine for the first one thousand (1,000) pounds of unlawful axle
24 weight shall be ten dollars (\$10.00).

25 (3) An apportioned motor vehicle, as defined in Section 320.01, Florida Statutes,
26 operating on the streets, roadways or highways of this County without being properly licensed and
27 registered shall be subject to the penalties as herein provided.

28 (4) Vehicles operating on the streets, roadways, or highways of this County from
29 nonmember International Registration Plan jurisdictions which are not in compliance with the

provisions of Section 316.605, Florida Statutes, shall be subject to the penalties as herein provided.

(5) The defendant in an action hereunder may seek to rebut the presumption of damage set forth in subsection (c).

(d) (1) No commercial vehicle, as defined in Section 316.003(66), Florida Statutes, shall be operated over the streets, roadways, or highways of this County unless it has been properly registered under the provisions of Section 207.004, Florida Statutes. Whenever any law enforcement officer identified in Section 207.023, or any traffic enforcement officer as defined in Section 318.113, Florida Statutes, upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in violation of Section 207.004, Florida Statutes, a penalty in the amount of fifty dollars (\$50.00) shall be assessed, and the vehicle shall be detained until payment is collected by the law enforcement officer.

(2) In addition to the penalty provided for in Paragraph (a) of this section 6, the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to Section 207.004, Florida Statutes. Any officer or agent of the Department of Transportation may issue an emergency or trip permit and collect the appropriate fee as provided for in Section 207.004(4). Notwithstanding the provisions of subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to Section 207.026, Florida Statutes.

(3) Any person aggrieved by the imposition of penalties pursuant to this section may apply to the review board, as provided for in subsection (i), for modification, cancellation, or revocation of the penalty, and the review board is authorized to modify, cancel, revoke or sustain such penalty.

(e) In addition to the right to prosecute violations in County Court, whenever any person violates the provisions of this Ordinance and becomes indebted to the County because of such violation in the amounts aforesaid and refuses to pay said penalty, such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the County in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the County attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and

1 sufficient forthcoming bond with the officer having possession of the vehicle, payable to the County
2 of Palm Beach in twice the amount of the County's lien, with a corporate surety duly authorized to
3 transact business in the State of Florida as surety, conditioned to have the motor vehicle or
4 combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien.
5 It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this
6 Section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be
7 released and the bond shall be forwarded to the County of Palm Beach for safekeeping. The lien of
8 the County against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules
9 of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been
10 released to the defendant upon his forthcoming bond, the state shall take judgment of foreclosure
11 against the property itself, and judgment against the defendant and the sureties on the bond for the
12 amount of the lien, including cost of proceedings. After the rendition of the decree, the County may,
13 at its option, proceed to sue out execution against the defendant and his sureties for the amount
14 recovered as aforesaid or direct the sale of the vehicle under foreclosure.

15 (f) Any officer or agent collecting the penalties herein imposed shall give to the owner
16 or driver of the vehicle an official receipt for all penalties collected. Such officers or agents shall
17 cooperate with the owners or drivers of motor vehicles so as not to delay unduly the vehicles.

18 (g) Pursuant to Sections 316.302 and 316.545, Florida Statutes, penalties and fees are due
19 and payable at the time of issuance and shall be remitted to the officer or traffic enforcement officer
20 of the Palm Beach County Sheriff's Office who assessed the penalty. Payment shall be made for the
21 exact amount of the assessment in cash, money order, or cashier's check and shall be made payable
22 to the County of Palm Beach.

23 (h) All penalties and fines collected pursuant to this Ordinance shall be placed in a
24 separate commercial vehicle account for the Palm Beach County Sheriff's Office. This account shall
25 be created solely for the collection of penalties and fines resulting from violations of this Ordinance
26 and all penalties and fines collected shall be dispersed back to the Palm Beach County Sheriff's
27 Office to help support the Sheriff's Safe Roads Initiative.

28 (i) The Palm Beach County Sheriff's Office shall create a Commercial Motor Vehicle
29 Review Board consisting of three members who shall be the Sheriff's Commercial Traffic

1 Supervisor or designee, the Sheriff's District 6 Captain or designee, and a community representative
2 chosen by the Board of County Commissioners. The community representative shall serve a three
3 (3) year term and may be reappointed at the end of said term. The Review Board may review any
4 penalty imposed upon any vehicle or person under the provisions of this Ordinance relating to
5 weights imposed on the streets, roadways, or highways of the County by the axles and wheels of
6 motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

7 (1) The Sheriff's Commercial Traffic Supervisor or authorized representative
8 shall be the chairman of the Review Board.

9 (2) The Review Board may execute its responsibilities by meeting as a single
10 group or as subgroups consisting of one authorized designee of each permanent member.

11 (3) The chairman of the Review Board is responsible for the administrative
12 functions of the Review Board.

13 (j) Any person aggrieved by the imposition of a civil penalty pursuant to this Section or
14 Section 316.3025, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for
15 a modification, cancellation, or revocation of the penalty; and the review board is authorized to
16 modify, cancel, revoke, or sustain such penalty.

17 **Section 9. SPECIAL PERMITS:**

18 (a) An oversize or overweight vehicle or load thereon may not enter onto or be operated
19 on a public road in this County unless the owner or operator of such vehicle has first obtained the
20 special permit for such movement from the County.

21 (b) The County of Palm Beach, with respect to highways under its jurisdiction may, in
22 its discretion and upon application and good cause shown therefor that the same is not contrary to
23 the public interest, issue a special permit in writing authorizing the applicant to operate or move a
24 vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this
25 Ordinance, or otherwise not in conformity with the provisions of this Ordinance, upon any street,
26 roadway or highway under the jurisdiction of the authority issuing such a permit and for the
27 maintenance of which the authority is responsible. The permit shall describe the vehicles or vehicles
28 and the load to be operated or moved and the street, roadway or highways for which the permit is
29 requested. The County of Palm Beach is authorized to issue or withhold such permit at its discretion

1 or if such permit is issued, to limit or prescribe the conditions of operation of such vehicle or
2 vehicles. The County may require such undertaking or other security as may be deemed necessary
3 to compensate for any damage to any roadway or road structure. The County is authorized to
4 promulgate rules and regulations concerning the issuance of such permits and to charge a fee for the
5 issuance thereof, which rules, regulations, and fees shall have the force and effect of law. Every such
6 permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open
7 to inspection by any Sheriff's Officer or other authorized agent of Palm Beach County. The
8 minimum fee for issuing any such permit shall be \$5. No person shall violate any of the terms or
9 conditions of such special permit.

10 (c) The County of Palm Beach may prescribe, by notice hereinafter provided for, loads
11 and weights lower than the limits prescribed in this Ordinance and other laws, whenever in its or
12 their judgment any road or part thereof or any bridge or culvert shall, by reason of its design,
13 deterioration, rain, or other climatic or natural causes be liable to be damaged or destroyed by motor
14 vehicles, trailers, or semitrailers, if the gross weight shall exceed the limits prescribed in said notice.
15 Palm Beach County may limit, in whole or in part, the operation of any specified class or size of
16 motor vehicles, trailers, or semitrailers on any streets, roadways or highways or specified parts
17 thereof under its jurisdiction, whenever in its judgment, such regulation is necessary to provide for
18 the public safety and convenience on the streets, roadways or highways, or parts thereof, by reason
19 of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and
20 convenience. The notice or substance thereof shall be posted at conspicuous places at terminals of
21 intermediate crossroads and road junctions with the section of street, roadway or highway to which
22 the notice shall apply. After any such notice has been posted, the operation of any motor vehicle or
23 combination contrary to its provisions shall constitute a violation of this Ordinance.

24 **Section 10. DAMAGE TO STREETS, ROADWAYS, HIGHWAYS; LIABILITY**
25 **OF DRIVER AND OWNER:**

26 Any person driving or moving any vehicle or combination of vehicles, object, or contrivance
27 upon any county street, county roadway, county highway or county highway structure shall be liable
28 for all damages which the street, roadway, highway or structure may sustain as a result of any illegal
29 operating, driving, or moving of such vehicle or combination of vehicles, object, or contrivance.

whether or not such damage is a result of operating, driving, or moving any vehicle or combination of vehicles, object, or contrivance weighing in excess of the maximum weights or exceeding the maximum size as provided in this Ordinance but authorized by special permit issued pursuant to Section 316.550, Florida Statutes. Whenever the driver is not the owner of the vehicle or combination of vehicles, object, or contrivance but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the authorities in control of the street, roadway, highway or highway structure.

Section 11. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 12. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 13. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 14. **EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the 21st day of August, 2001.

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
BY *Doris O'Brien*
DEPUTY CLERK

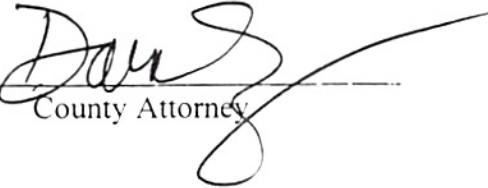
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By:

Warren H. Newell, Chairman



1 APPROVED AS TO FORM AND
2 LEGAL SUFFICIENCY

3 By: 
4 County Attorney

5 EFFECTIVE DATE: Filed with the Department of State on the 27th day of August 2001.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 21, 2001.
DATED at West Palm Beach, FL on 9/5/01.
DOROTHY H. WILKEN, Clerk
By: M. Jane Brown D.C.